

REMARKS

Claims 1-47 are in the application. By the foregoing amendment, claims 1, 36-38 and 46 are amended to more clearly and distinctly claim the invention. Claims 6-35 and 39-45 are amended to renumber the claims. No new matter is entered into the case by the amendment.

In the Office Action, claims 1-4, 7-15, 18-21, 23-35, 37, 38, and 40-47 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,942,470 to Norman et al. Claims 16, 17, 22, 36 and 39 were objected to as being dependent upon a rejected base claim, but were said to be allowable. Applicant greatly appreciates the correct indication that claims 16, 17, 22, 36 and 39 are allowable.

The examiner has failed to indicate if claim 5 is rejected or allowable. A notification of the status of claim 5 would be greatly appreciated in the next office action. For now, applicant assumes claim 5 is objected to but would be allowable over the art of record.

In view of the foregoing amendment, applicant respectfully requests reconsideration and allowance of the claims. The cited reference requires an amine salt of the oil-soluble phosphorus compound, whereas applicant's compositions and method are devoid of an amine salt. Accordingly, the '470 patent fails to anticipate all the elements of the claimed invention.

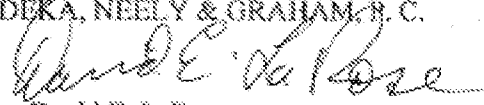
Applicants do not intend to surrender any range of equivalents under the Doctrine of Equivalents in regard to any claim limitation that appears in the final claims in any patent that may issue from this or any related application. Applicants expressly reserve the right to resort to the Doctrine of Equivalents for all limitations in regard to any future assertion of infringement of any claim, whether the limitation was present in an original claim, added by amendment to a claim, or referenced in any argument to distinguish any claim from any prior art. All claims in any patent issued from this or any related application represent a statutorily presumed valid and patentable combination of structure and/or steps, and it is this combination which is presumed to patentably distinguish the claims from the prior art, not any particular limitation of any claim.

In the event this response is not timely filed, applicants hereby petition for the appropriate extension of time. If any fees are required by this amendment, such fees may be charged to deposit account 12-2355.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P. C.

By:



David E. LaRose

Reg. No. 34,369

2006.10.18